

ALEX G. TSE (CABN 152348)  
Acting United States Attorney

BARBARA J. VALLIERE (DCBN 439353)  
Chief, Criminal Division

BRIAN R. FAERSTEIN (CABN 274850)  
Assistant United States Attorney

450 Golden Gate Avenue  
San Francisco, California 94102-3495  
Telephone: (415) 436-6473  
FAX: (415) 436-7234  
Brian.Faerstein@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 18-00198 EMC
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del> ORDER
v.	)	CONTINUING HEARING AND
	)	MODIFYING BRIEFING SCHEDULE ON
CHARIECE DENOYAS CHEW,	)	DEFENDANT'S MOTION TO SUPPRESS
	)	
Defendant.	)	

The United States of America, by and through Assistant United States Attorney Brian R. Faerstein, and defendant Chariece Denoyas Chew, by and through his attorney Geoffrey Hansen, hereby stipulate that, with the Court's approval, the motion to suppress hearing currently scheduled for September 5, 2018 at 2:30 p.m., should be continued to September 19, 2018 at 2:30 p.m., and the parties' briefing schedule on defendant's motion should be modified as set forth below.

The parties appeared before this Court on May 23, 2018, for a status conference in the above-captioned case. During the hearing, defendant represented his intention to file a pretrial motion to suppress in this proceeding. In consultation with the parties, the Court set a hearing date on defendant's anticipated motion for August 29, 2018, and ordered that defendant file his motion by July 11, 2018, the

1 government file its opposition by August 1, 2018, and defendant file a reply (if any) by August 15, 2018.  
2 *See* Dkt. No. 10. The Court further ordered that time be excluded under the Speedy Trial Act from May  
3 23, 2018, to August 29, 2018, for effective preparation of counsel, continuity of counsel, and pendency  
4 of motion. *See id.*

5 Subsequently, on June 21, 2018, the Court entered a notice resetting the hearing on defendant's  
6 motion by one week, from August 29, 2018, to September 5, 2018. *See* Dkt. No. 11.

7 The parties have consulted further regarding the current briefing and hearing schedule on  
8 defendant's forthcoming motion to suppress. For the government, AUSA Faerstein is taking over as  
9 lead attorney in this proceeding and needs additional time to review case materials and effectively  
10 prepare in connection with defendant's anticipated motion and the government's prosecution of this  
11 case. For defendant, defense counsel has undertaken diligent efforts to investigate and prepare  
12 defendant's motion to suppress but needs additional time to complete and file the motion.

13 Accordingly, having consulted with the Court, the parties stipulate and propose that the hearing  
14 on defendant's forthcoming motion be continued two weeks, from September 5, 2018, at 2:30 p.m., to  
15 September 19, 2018, at 2:30 p.m., and the briefing schedule on defendant's motion be modified as  
16 follows:

- 17 • August 1, 2018 – Defendant files motion to suppress.
- 18 • August 22, 2018 – Government files opposition to Defendant's motion.
- 19 • September 5, 2018 – Defendant files reply (if any) in support of motion.

20 The parties further stipulate and agree that, in light of the parties' representations above, it would  
21 be appropriate that time be further excluded under the Speedy Trial Act from August 29, 2018, to  
22 September 19, 2018, for effective preparation of counsel under 18 U.S.C. § 3161(h)(7)(B)(iv), and  
23 pendency of pretrial motion under 18 U.S.C. § 3161(h)(1)(D). The parties stipulate that the failure to  
24 exclude time would deny counsel the reasonable time necessary for effective preparation, taking into  
25 account the exercise of due diligence under 18 U.S.C. § 3161(h)(7)(B)(iv). The parties further stipulate  
26 that the requested exclusion of time, from August 29, 2018, to September 19, 2018, is in the interests of  
27  
28

1 justice and outweighs the best interest of the public and the defendant in a speedy trial. 18 U.S.C.  
2 § 3161(h)(7)(A).

3 IT IS SO STIPULATED.

4 Dated: July 11, 2018

ALEX G. TSE  
Acting United States Attorney

5 \_\_\_\_\_  
/s/

6 BRIAN R. FAERSTEIN  
7 Assistant United States Attorney

8 Dated: July 11, 2018

9 \_\_\_\_\_  
/s/

GEOFFREY HANSEN  
Attorney for CHARIECE DENOYAS CHEW

10  
11  
12 Attestation of Filer

13 In addition to myself, the other signatory to this document is Geoffrey Hansen. I hereby attest  
14 that I have his permission to enter a conformed signature on his behalf and to file this document.

15 Dated: July 11, 2018

16 \_\_\_\_\_  
/s/

BRIAN R. FAERSTEIN  
Assistant United States Attorney

1 ~~PROPOSED~~ ORDER

2 Based upon the stipulation of the parties, the Court hereby orders that the hearing on defendant's  
3 motion to suppress be continued from September 5, 2018, at 2:30 p.m., to September 19, 2018, at 2:30  
4 p.m., and the briefing schedule on defendant's motion be modified as follows:

- 5 • August 1, 2018 – Defendant files motion to suppress.  
6 • August 22, 2018 – Government files opposition to defendant's motion.  
7 • September 5, 2018 – Defendant files reply (if any) in support of motion.

8 Furthermore, based upon the representation of counsel and for good cause shown, the Court finds  
9 that failing to exclude the time between August 29, 2018, and September 19, 2018, would unreasonably  
10 deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of  
11 due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by  
12 excluding the time between August 29, 2018, and September 19, 2018, from computation under the  
13 Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore,  
14 it is further hereby ordered that the time between August 29, 2018, and September 19, 2018, shall be  
15 excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

16  
17 DATED: July 13, 2018



HONORABLE EDWARD M. CHEN  
United States District Judge